

HONORABLE DAVID G. ESTUDILLO

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MAVERICK GAMING LLC,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

Case No.: 22-cv-05325-DGE

**SHOALWATER BAY TRIBE'S NOTICE
OF SUPPLEMENTAL AUTHORITY IN
SUPPORT OF MOTION FOR LIMITED
INTERVENTION**

1 Specially appearing proposed-limited-intervenor, the Shoalwater Bay Indian Tribe of the
2 Shoalwater Bay Indian Reservation (“Tribe”), pursuant to Local Civil Rule 7(n) submits this
3 Notice of Supplemental Authority in support of its pending Rule 24 Motion (Dkt. 68). The
4 supplemental authority, *Klamath Irrigation District et. al. v. United States Bureau of Reclamation*
5 *et. al.*, ___4th___, 2022 WL 4101175 (9th Cir. 2022) (courtesy copy attached as Exhibit 1), was
6 issued on September 8, 2022, after the Tribe submitted its reply brief on August 19, 2022, (Dkt
7 79).

9 *Klamath Irrigation District* discusses at at *7-8, both *Dine Citizens Against Ruining Our*
10 *Env’t v. Bureau of Indian Affairs*, 932 F.3d 843 (9th Cir. 2019) and *Southwest Center for Biological*
11 *Diversity v. Babbitt*, 150 F.3d 1152, 1154 (9th Cir. 1998), which address the applicability of Rule
12 19 in cases affecting protectable tribal interests. Plaintiff Maverick Gaming LLC (“Maverick”)
13 discusses these two cases in its Opposition to the Tribe’s Rule 24 Motion (Dkt. 78 at 5–7). The
14 Tribe discusses these two cases in its reply brief in support of its Rule 24 Motion (Dkt. 79 at 2-6)
15 and in its [Proposed] Rule 19 Motion (Dkt. 68-1, *passim*).

17 Although the Tribe’s [Proposed] Rule 19 Motion (Dkt. 68-1) is not presently before the
18 Court, Maverick has argued in its Response in Opposition that the Rule 24 Motion should be
19 denied because the [Proposed] Rule 19 Motion should be denied, discussing both *Dine Citizens*
20 and *Southwest Center* (Dkt.78 at 5-7). The fact that the Ninth Circuit’s law regarding Rule 19
21 continues to evolve, as most recently articulated in *Klamath Irrigation District*, also is relevant to
22 Tribe’s position set forth in its Rule 24 Reply Brief that the Rule 24 Motion should first be granted
23 and thereafter the Rule 19 Motion can be fully briefed by all parties and in any potential *amici*
24 brief filed by other affected Tribes (Dkt. 79 at 1).

27 Respectfully submitted this 12th day of September, 2022.

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2 Respectfully submitted,

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DATED: September 12, 2022

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